PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty Docket No. A01588

In re application of: Chen et al.

Confirmation No. 7008

Serial No.: 10/715,087

Group Art Unit: 1714

Filed: November 17, 2003

Examiner: Kataryzna Wyrozelski

For: Surfactant-Containing Insulation Binder

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

The Notice of Non-Responsive Amendment dated January 24, 2005 is in error and should be withdrawn. While the currently pending claims have been rejected in the parent application, no such office action has been issued in this case. The only art rejections in this case were made against the claims as filed. However, the claims as filed no longer exist, as they have all been amended. The currently amended claims have not been rejected in this case. As such, our response dated October 26, 2004 is proper as it responded to the rejection of the claims as filed with amendments to those claims.

37 C.F.R. §1.111(b) sets forth the requirements for a proper response to a first office action. The first requirement of that rule is that a response should point out the alleged differences between the amended claims and the prior art, which we did when we provided "Owens Corning's Argument in a Nutshell" on page 10 of that response. A second requirement of Rule 1.111(b) is that:

> The applicant's or patent owner's reply must appear throughout to be a *bona fide* attempt to advance the application . . . to final action.

We satisfied this second requirement when we pointed out why Owens Corning's argument did not hold water and when we noted certain section 112 problems with the

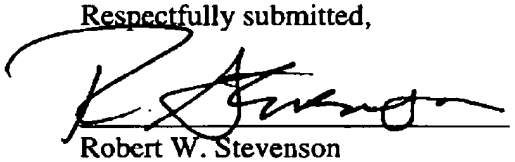
claims. While it is obvious that we are attempting to advance this case to a final action that almost all patent applicants would dread, we are most definitely *bona fide* in our attempt.

As to the section 102(f) rejection, we take no issue with it provided the same rejection is made of the parent application. However, the appropriate body to decide the merits of that rejection is not the petitions branch. Rather it would have to be decided in an interference, which the Examiner correctly notes will occur if at least one of these applications is found to contain allowable matter.

We simply want a final action in this case that is identical to any final action the Examiner takes in relation to its parent. We would most appreciate that any such final actions be taken at the same time.

Finally, we thank the Examiner again for her consideration of our position.

Respectfully submitted,



January 28, 2005
Rohm and Haas Company
100 Independence Mall West
Philadelphia, PA 19106-2399

Robert W. Stevenson
Attorney for Applicants
Registration No. 31,064
Telephone No.: 215-592-2171